

“(e) ENTITIES TO WHICH SECTION APPLIES.—This section applies to the following entities, whether foreign or domestic:

“(1) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar and registry, and a provider of alternative dispute resolution services;

“(2) a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers’ checks, money orders, or similar instruments; and

“(3) an Internet service provider or provider of telephone services.”

SEC. 208. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by inserting “the Federal Trade Commission,” after “the Securities and Exchange Commission.”

SEC. 209. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

“(c)(1) The Commission may designate Commission attorneys to assist the Department of Justice in connection with litigation in foreign courts in which the Commission has an interest, pursuant to the terms of a memorandum of understanding to be negotiated by the Commission and the Department of Justice. The preceding sentence is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

“(2) The Commission is authorized to expend appropriated funds for the retention of foreign counsel for consultation and for litigation in foreign courts, and for expenses related to consultation and to litigation in foreign courts in which the Commission has an interest.

“(3) Nothing in this section authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.”

SEC. 210. AVAILABILITY OF REMEDIES.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

“(o) UNFAIR OR DECEPTIVE ACTS OR PRACTICES INVOLVING FOREIGN COMMERCE.—

“(1) IN GENERAL.—For purposes of subsection (a), the term ‘unfair or deceptive acts or practices’ includes such acts or practices involving foreign commerce that—

“(A) cause or are likely to cause reasonably foreseeable injury within the United States; or

“(B) involve material conduct occurring within the United States.

“(2) APPLICATION OF REMEDIES TO SUCH ACTS OR PRACTICES.—All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in paragraph (1), including restitution to domestic or foreign victims.”

SEC. 211. CRIMINAL REFERRALS.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 204 of this title, is amended by adding at the end the following:

“(k) REFERRAL FOR CRIMINAL PROCEEDINGS.—

“(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General who may, in his discretion, institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

“(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to

memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.”

SEC. 212. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 25 (15 U.S.C. 57c) the following:

“SEC. 25A. STAFF EXCHANGES.

“(a) IN GENERAL.—The Congress consents to—

“(1) the retention or employment of officers or employees of foreign government agencies on a temporary basis by the Commission under section 3109 of title 5, United States Code, section 202 of title 18, United States Code, or section 2 of this Act (15 U.S.C. 42); and

“(2) the retention or employment of officers or employees of the Commission on a temporary basis by such foreign government agencies.

“(b) FORM OF ARRANGEMENTS.—Staff arrangements under subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.”

SEC. 213. EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.

(a) IN GENERAL.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) as amended by section 211 of this title, is further amended by adding at the end the following:

“(p) To expend appropriated funds for—

“(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

“(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission’s mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

“(A) such incidental expenses as meals taken in the course of such attendance;

“(B) any travel and transportation to or from such meetings; and

“(3) any other related lodging or subsistence.”

(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed \$100,000 per fiscal year for purposes of section 6(p) of the Federal Trade Commission Act (15 U.S.C. 46(p)), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement groups:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

Mr. FRIST. I ask unanimous consent that the McCain-Hollings substitute amendment at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as

amended, be read the third time and passed, the motion to reconsider be laid upon the table en bloc, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3662) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1234), as amended, was read the third time and passed.

COMMENDING MARYLAND’S OLYMPIANS ON THEIR ACCOMPLISHMENTS AT THE 2004 SUMMER OLYMPIC GAMES IN ATHENS, GREECE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 426, submitted earlier today by Senators SARBANES and MIKULSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) commending Maryland’s Olympians on their accomplishments at the 2004 Summer Olympic Games in Athens, Greece.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SARBANES. Mr. President, I rise today to commend the American athletes for their participation in the 2004 Olympic Games. These athletes made us proud not only of their victories, but also of their sportsmanship. The heart, focus and perseverance exhibited by these men and women offered us an opportunity to reflect on the values and characteristics that embody the very best of the American Spirit.

All of our athletes should be commended, but because they played a very prominent role in these games, I want to take a moment to acknowledge the hard work and dedication of Maryland’s Olympic athletes. This year, we were very fortunate to have fourteen Marylanders compete. This group of athletes, which included both the youngest and the oldest members of the U.S. team, represented Maryland and the United States with honor and dignity and excelled in their various competitions. Marylanders participated in a variety of sports ranging from swimming and track and field, to whitewater slalom canoeing and table tennis. Our State boasted household names like Michael Phelps and Carmelo Anthony as well as rising stars like Bernard Williams and Courtney Kupets. The delegation included individuals from all over the State, from the City of Annapolis to Howard County, from Bethesda to Gaithersburg to Baltimore City, and from Upper Marlboro to Towson and Abingdon.

And although they come from a diversity of backgrounds, each demonstrated the common spirit of what it means to be a true Olympian. We saw that spirit in Carmelo Anthony's refusal to quit after the men's basketball team suffered a series of difficult and surprising losses. We saw it in the decisions of Liz Filter and Nancy Haberland to compete in the face of challenging life circumstances. It was reflected in the wisdom and experience of Libby Callahan as well as the youthful exuberance of 15 year-old swimmer Katie Hoff. It shined through Jun Gao when on day four of the table tennis competition, as the only member of the U.S. team still in competition, she shouldered the hopes of her teammates.

The Olympic spirit was further reflected in paddlers Joe Jacobi and Scott Parsons, who focused on the experience and joy of the performance. Courtney Kupets and Rhadi Ferguson showed enormous bravery by overcoming serious injuries to make the U.S. team and compete for their country. Ms. Kupets brought home two medals, a silver in the team competition and a bronze in the individual uneven bars. And Michael Phelps, who won six gold and two bronze medals, showed that the team is more important than individual accomplishment when he yielded his spot on the 4 x 100 medley relay squad and an opportunity for further glory to teammate Ian Crocker.

Finally, Maryland's track and field athletes should be commended for their heart and concentration. Tiombe Hurd, who is legally blind, overcame her vision obstacles to finish 22nd in a crowded triple jump field. Bernard Williams and James Carter, who hail from Baltimore public schools, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School, showed the world the kind of talent and poise Baltimore City's public schools can produce, taking home a silver in the 200 meter sprint and a fourth place finish in the 400 meter hurdles.

Maryland, and America, should be proud of their Olympic athletes. Through their actions both on and off the field of competition, they exhibited the grace, sportsmanship, and determination that signify a true Olympian. Congratulations are due to all of our athletes both for their individual successes and for the way they, as a team, showed the world the best our nation has to offer.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the 2004 Summer Olympic Games, which recently concluded in Athens, Greece, was a resounding success;

Whereas the athletes of the United States who participated in the 2004 Summer Olympic Games reflected the ideals of the Olympic movement by exhibiting determination, honor, sportsmanship, and excellence throughout the competitions;

Whereas Maryland's athletes played a prominent role in the 2004 Summer Olympic Games and represented the talent and diversity of the athletes of the United States;

Whereas marksman Libby Callahan of Upper Marlboro, through her wisdom and experience, and swimmer Katie Hoff of Abingdon, through her youthful exuberance, both displayed the spirit of Olympic competition;

Whereas Liz Filter, from Stevensonville, and Nancy Haberland, who coaches the Naval Academy sailing team, both displayed the Olympic spirit in their decisions to participate in the sailing competitions in the face of challenging life circumstances;

Whereas Jun Gao of Gaithersburg shone with Olympic spirit when, on day 4 of the table tennis competition, as the only remaining member of the United States table tennis team left in competition, she shouldered the hopes of her teammates;

Whereas paddlers Joe Jacobi and Scott Parsons, both from Bethesda, reflected the Olympic spirit by focusing on the experience and joy of their performances and the opportunity to compete on the world stage;

Whereas Baltimore's Carmelo Anthony displayed the Olympic spirit in his refusal to quit after the men's basketball team suffered a series of difficult and surprising losses;

Whereas gymnast Courtney Kupets of Gaithersburg and Judo competitor Rhadi Ferguson of Columbia demonstrated enormous bravery by overcoming serious injuries to make the United States team and compete for their country and, in the case of Ms. Kupets, to medal in 2 events;

Whereas Towson swimmer Michael Phelps, who won 6 gold and 2 bronze medals, showed that the team is more important than individual accomplishment when he yielded his spot on the 4 x 100 medley relay squad and an opportunity for further glory to allow teammate Ian Crocker to compete and be part of a winning effort in the finals;

Whereas Tiombe Hurd of Upper Marlboro, who is legally blind, showed tremendous heart and courage by overcoming her vision impairment to finish 22nd in a crowded triple jump field;

Whereas Bernard Williams, who brought home a silver in the 200 meter sprint, and James Carter, who finished fourth in the 400 meter hurdles, did their Baltimore alma maters, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School, proud by showing enormous poise and grit in the face of stiff competition;

Whereas the people of Maryland take great pride in these athletes and the communities that helped to nurture and support them through their years of training, and celebrate their successes and achievements; and

Whereas the people of Maryland send their best wishes for success to Maryland's 6 Paralympic athletes—Antoinette Davis, Jessica Long, Joseph Aukward, Larry Hughes, Tatyana McFadden, and Susan Katz—as they head to Athens for the Paralympic Games, which are set to begin on September 17, 2004: Now, therefore, be it

Resolved, That the Senate commends the athletes of Maryland for the grace, sportsmanship, and determination they exhibited throughout the 2004 Summer Olympic Games

and for the accomplishments that flowed from maintaining that Olympic spirit on and off the field of competition.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 422, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LIEBERMAN. Mr. President, America's Historically Black Colleges and Universities have served as precious portals of opportunity for African-Americans since the first, Cheyney University of Pennsylvania, was founded 167 years ago. I join all Americans in commemorating these proud institutions of higher learning this week, which the President has proclaimed "National Historically Black Colleges and Universities Week."

Mary McLeod Bethune once said, "We firmly believe education has the irresistible power to dissolve the shackles of slavery." It was this moral commitment to education for African-Americans that inspired Ms. Bethune to found her famous day school in Daytona, FL—now known as Bethune Cookman College—100 years ago. It was also this ideal that inspired the establishment of 130 other Historically Black Colleges and Universities nationwide. And the "irresistible power" of these institutions for the African-American community is clear. Fully 42 percent of all the PhDs earned each year by African-Americans are earned by graduates of HBCUs.

But despite playing a central role in our Nation's economic, cultural, social and spiritual life, HBCUs have been physically eroding, victims of chronic neglect and underfunding. A 1990 General Accounting Office study concluded that 712 properties on 103 HBCU campuses nationwide were in need of repair or renovation, at an estimated cost of \$755 million.

That is why 2 years ago I joined with Congressman JIM CLYBURN in the cause of repairing, restoring, rebuilding, and revitalizing HBCUs. With the support of Senators LANDRIEU, MILLER, and others, our legislation to authorize \$50 million in new funding for HBCUs passed the Senate in January 2003, and was signed into law by the President in February of that year. We appropriated \$3 million for the program last year, and hope to continue such robust funding this appropriations cycle.